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ADDENDA.

The name of Col. Thos. W. Baird, one of the active Commissioners to the Louisville Exposition, was unintentionally omitted from the list given on page 16.

Dr. C. M. Taylor contributed $80 instead of $50 of the deficit, page 16.

MESSAGE

OF

GOVERNOR JAMES H. BERRY,

TO THE

GENERAL ASSEMBLY

OF ARKANSAS.

JANUARY, 1885.

BY AUTHORITY.

LITTLE ROCK, ARK.,
JOSEPH GRIFFITH, STATE PRINTER,
1885.

MESSAGE

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GOV. JAMES H. BERRY,

TO THE

GENERAL ASSEMBLY

OF ARKANSAS.

STATE OF ARKANSAS,
EXECUTIVE OFFICE,

LITTLE ROCK, JANUARY 8, 1885.

To the Members of the Senate and House of Representatives of the General Assembly of the State of Arkansas:

You are assembled as a co ordinate branch of the State Government to enact such laws as you may deem necessary for the public welfare, and to aid in the administration of public affairs.

I can but congratulate you that the two years just past, have been years of general prosperity to the people of the State of Arkansas. No disturbances of a serious character have taken place; as a rule peace and good order have prevailed; at no time have I been compelled to call upon the militia to aid in the enforcement of the laws.

While the crops in some sections of the State have not been so bountiful as we could have wished, the yield, altogether, has been fair, and we have experienced no unusual suffering or destitution. You come directly from the people, as their chosen

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agents and representatives, fully advised of their needs and wishes, to devise ways and means that will best secure and promote their happiness and prosperity.

In compliance with the requirements of the Constitution, I cheerfully undertake to furnish you whatever aid I can in the discharge of this important duty.

STATE DEPARTMENT.

The report of the Secretary of State, herewith submitted, like the report issued from that office two years ago, is an admirable document. It contains a full and complete history of the workings of the office, showing the amount of fees paid into the State treasury, and the expenses of the office—the receipts being largely in excess of the expenditures. It is true, as therein stated, that the act of the General Assembly of 1883, requiring all fees to be paid directly into the treasury, has caused some inconvenience to the people, and entailed additional labor upon the Secretary. Nevertheless the law is in strict compliance with the requirements of the Constitution, and is an absolute safeguard against loss to the State, in the matter of fees, and I can not recommend its repeal.

The action of the Secretary of State in keeping and adjusting the accounts between the State and lessees of the penitentiary, while not especially required of him by the law, met my approval and that of the Board of Penitentiary Commissioners, and much praise is due him, for the very efficient and correct manner in which this rather difficult and troublesome duty was performed. The Secretary's action in the removal of the body of the Hon. Wm. M. Davidson, as set forth in his report, was taken after consultation with myself and other State officials, and was approved by all. I recommend that a reasonable appropriation be made to pay Mr. Cook the funeral expenses.

The reference by the Secretary to the exemptions of certain railroad property from taxation by the revenue law of 1883, demands the attention and consideration of the General Assembly. Section 5 of article 16, of the Constitution of the State, provides

"that all property subject to taxation shall be taxed according to its value; that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value." There are certain exceptions to the above provisions, but railroad property is not one of them. Some mode or manner should be devised by the General Assembly by which the value of railroad property can be ascertained. It should be assessed as all other property, at its true value: nothing more, nothing less. This property, like all other, is entitled to and receives the protection of the laws, and should bear its equal proportion of the burthen of taxation.

The condition of the Supreme Court room is such, on account of insufficient ventilation, that it is impossible for the judges to labor there during the summer months without endangering their health. There is no consultation room, and the arrangement is very inconvenient. I would recommend that the rooms up-stairs, in the east wing of the capitol, be set apart for the Court, and that a sufficient appropriation be made to properly ventilate, arrange and furnish them. It is especially desirable that the room below where the Court meets to deliver opinions should be furnished in a style more befitting the highest court of a great State.

AUDITOR'S AND TREASURER'S REPORTS.

The report of the Auditor and Treasurer cover the two years from Oct. 1st, 1882 to Sept. 30th 1884. Both reports are full and elaborate and it is unnecessary that the details be repeated by me. From them it will be seen that at the meeting of the last General Assembly, the State was indebted in the sum of $100,000.00, money borrowed the previous September; that in March 1883 $150,000.00 additional was borrowed by the Finance Board. Both of these sums, together with the interest thereon, have been paid.

In addition to the payments of the amounts above named the Treasurer has, within the last two years, redeemed 258 (amounting to $258,000.00) of the six per cent bonds of the State, commonly called the Loughborough Bonds. There is now in the treasury, to the credit of the sinking fund, about $275,000.00 in U. S. currency. No money has been borrowed since March 1883, and no State scrip issued. The State scrip is practically gone, the Loughborough Bonds, except one hundred and seventy belonging to the permanent school fund and sixteen belonging to Washington County, have been paid off. It is estimated by the Auditor that the collection of the revenue for 1884 will place in the State treasury, by the 20th of May 1885, to the credit of the sinking fund and of the general revenue fund, six hundred thousand dollars in addition to the sum now held by the Treasurer.

This healthy condition of our finances brings us, to use the language of the Treasurer, "face to face with the question of the settlement of our undisputed debt." This debt, principal and interest, is $4,869,943.00, more than one-half of which is interest. No interest has been paid thereon since 1872.

The people, at the recent election, have by an overwhelming majority declared that they do not intend to pay what is known as the disputed debt of the State, including the Railroad Aid, the Levee, ond the Holford Bonds. Their action in that behalf meets my hearty approval, but I can no longer see any valid reason or excuse for not making settlement and provision for the payment of the interest, and gradual reduction of the principal of our undisputed debt.

I fully believe that the best and only way to rid our State of its just debts, is to begin to pay them.

The action of the State Treasurer in redeeming the Loughborough Bonds met my hearty approval. While it was he who first discovered that we had the right under the law to pay them before maturity, and first suggested that the surplus money in the treasury should be used for that purpose, I fully endorsed

his action in the premises, and feel great satisfaction that they are no longer a charge against the State.

The Auditor and Treasurer both fully demonstrate by their reports, that it is possible to reduce the rate of taxation, meet all legitimate expenses of the State government, and make provision for the settlement of this old undisputed debt, which has so long tended to paralyze the energies of the people, repel immigration, and retard the development of the State's resources.

Without going into detail or suggesting the precise mode, I earnestly urge upon the General Assembly to make a begining—to do something to show that we were fully in earnest when we said that we would pay all we legitimately owed, but not a dollar of the fraudulent claims preferred against us. I am of the opinion, that should it be deemed best to issue new bonds, such bonds, for the first few years at least, should bear a very low rate of interest, and that no bond should be issued which does not reserve to the State the right to pay the principal after a period of five years. The Auditor refers to several sources from which revenue may be derived to apply to the reduction of this debt. In addition to these, I beg leave to call especial attention to the report of the

COMMISSIONER OF STATE LANDS.

If the recommendations made by the present Commissioner, as well as by his immediate predecessor, Col. Campbell, be carried out, there is but little doubt that the money arising from the sale of State lands will be almost sufficient within itself to pay off our State debt.

As will be seen from their reports, the donation law is constantly used as a means to practice gross frauds upon the State, numerous parties procuring these titles for the sole purpose of enabling them to dispose of the valuable timber growing upon such lands, and then abandoning the claim. The law ought to be repealed, and the price of all State lands increased to $2.00 per acre.

The lands originally mortgaged to the Real Estate Bank, and which were intended to secure the State against loss on account of her liability for the bonds issued by the bank, have been grossly mismanaged and in a great measure wasted. But little has been realized by the State from them, and the law upon this subject, as shown by the report of the Land Commissioner, is in great confusion.

I recommend that the committee charged with this matter investigate it thoroughly, and that such legislation be enacted as will most speedily realize, to the State in cash, the amount of her claims against these lands.

COMMON SCHOOLS.

The report of the Superintendent of Public Instruction shows a steady and most gratifying increase in the number of school-houses, and in the attendance of pupils throughout the State upon our common schools. The amount of money distributed by the Superintendent to the various districts last year, far exceeds the sum distributed in any previous year. That the General Assembly should use all possible means, consistent with other demands and obligations, to foster and promote the common schools of the State, is not only enjoined by the Constitution, but is the earnest wish of all who look to the best interest of our people.

I can not agree, however, with the Superintendent, that the money arising from liquor licenses, insurance agencies, and the proceeds of forfeited lands, should be diverted from the general revenue fund and appropriated for school purposes. Such a disposition of this money would render it impossible to provide for the ordinary expenses of the State, the interest on the public debt, and at the same time grant the people a reduction in their taxes. They have borne with great patience the heavy burdens placed upon them in the way of taxation for many years and they have a right to expect some relief. I trust that no action will be taken by the General Assembly, even for so worthy an

object as to increase the efficiency of the common schools, that will have the effect to postpone or deprive them of this relief.

LAW DEPARTMENT.

The report of the Attorney General details the progress made in the prosecution of the suits instituted by the State against ex-treasurer Churchill, ex-auditor Crawford and ex-land Commissioner Lear upon their official bonds. The last General Assembly appropriated $5,000.00, and directed me to employ counsel to aid the Attorney General in the prosecution of suits against defaulting State officials. Before the passage of the act the securities upon Governor Churchill's bonds had retained seven or eight leading lawyers of the city. The law above referred to did not specify the number of attorneys to be employed by the Governor. I first applied to John M. Moore, Esq., to undertake the cause, but he was unwilling to do so unless I would also engage some attorney who was conversant with the facts, and familiar with the books of the Auditor and Treasurer. I accordingly employed both Mr. Moore and the Hon. J. B. Judkins to aid in the prosecution of the suits against Gen. Churchill, Maj. Crawford and their bondsmen. Mr. Moore afterwards agreeing to assist upon the trial of the cause against Mr. Lear.

Suits were immediately brought in the Chancery Court of Pulaski County, and service obtained at the first term against both the ex-treasuer and ex-auditor and their securities. Suit was also brought against Mr. Lear in the Circuit Court. Final judgment was rendered against Maj. Crawford and his bondsmen for the full amount claimed by the State, to-wit: $9,922.09. This amount has since been paid into the State treasury.

The case against ex-treasurer Churchill and his bondsmen is still pending. The attorneys employed by me, and the Attorney General, Maj. C. B. Moore, have devoted much time and labor to this cause, and have used all possible diligence in its prosecution. I earnestly hoped that it might be finally determined before your meeting, but the "law's delay" has proven in this, as in many other cases, an obstacle too formidable to be overcome.

DEAF MUTE AND BLIND INSTITUTES.

The report of the Trustees and Superintendents of the Deaf Mute and Blind Institutes, are very full and complete. The unfortunate pupils in these institutions appeal very strongly to our sympathies, and deserve the care and attention of the General Assembly.

The buildings at the Blind Asylum are inadequate, and the character of a portion of them is such as to greatly endanger the lives of the inmates in case of fire. Whether the State is at this time in a condition to erect suitable buildings, or to make the improvements recommended by the trustees of the Deaf Mute Institute, and meet such other obligations as are imperative, is a question for your consideration, and I submit it to you without recommendation. I feel confident that you will be as liberal in dealing with the demands and necessities of those who have been so greviously afflicted, as the means at your command and your duty to the people will justify.

ARKANSAS INDUSTRIAL UNIVERSITY.

The University at Fayetteville, during the past two years, has not been entirely free from internal dissensions. The faculty was, at one time, not harmonious, and the attendance has not been so great as we could wish; nevertheless it is now in a reasonably prosperous condition.

The number of students and the expenditures are fully set forth in the accompanying reports, together with the estimates for the coming two years. I am fully impressed with the importance of keeping this institution up to the highest standard, and trust the Legislature will not hesitate to make the necessary appropriations for that purpose, and will also provide for such repairs and improvements as the safety of the building, and the health and comfort of the students require. But I doubt if it would be prudent, at this time, to make the large appropriation asked for the purpose of establishing the Agricultural College in fact as well as in name. There are so many demands on the State

that cannot be evaded or postponed that it seems to me it would be well to defer the radical change proposed for two years.

The Normal branch of this institution, located at Pine Bluff, has been very successful, and is in a prosperous condition. Prof. Corbin has, in its management, shown himself earnest, capable and economical to a degree that is highly commendable and worthy of much praise.

LUNATIC ASYLUM.

From the report of the Superintendent and Board of Trustees it will be seen that the appropriation made for the support of the Lunatic Asylum has not all been expended. It is estimated that fully $20,000.00 will remain at the end of the two years. This is a very gratifying showing. I take pleasure in saying that no public institution in the State has ever been managed with less friction and more consummate skill. The Board of Trustees, Dr. Forbes, the Superintendent, and the Secretary, Mr. Buchanan, have all earnestly sought and faithfully labored to promote the welfare of the institution, and secure the health and comfort of the patients with the least possible cost to the State.

According to the report the institution is now full and there are 150 insane people in the State unprovided for. The Board of Trustees recommend an additional wing for the building in order that there may be accommodations for all. This recommendation I fully endorse. If from poverty or other cause, we are compelled to neglect any of our unfortunate citizens upon whom the hand of affliction has fallen, it should not be these. Others may be cared for and made comparatively comfortabe by relatives, friends or private charity, but if the State fails to provide an asylum for the insane, necessity and the safety of the public compels their confinement in dungeons with the most abandoned criminals. I trust that ample provision will be made for all that are in the State, and that the General Assembly will be liberal in furnishing all that is required for the asylum.

PENITENTIARY.

As will be seen from the report of the Secretary of State, the number of convicts in the Penitentiary has increased within the last two years. That in addition to paying the cost of transporting the convicts from the various counties to the State prison, the lessees have paid into the State treasury the sum of $24,600.00 for the year commencing May 7, 1883 and ending May 7 1884.

The death rate among the convicts has been comparatively light during the last two years. Those under the immediate control and supervision of the very efficient Penitentiary Physician, Dr. John Waters, have been remarkably healthy.

An appropriation for repairs and improvement upon the penitentiary buildings is an absolute necessity. The old building is in a very dangerous condition and liable to fall to ruins at any time. The roof is worn out and is but little protection from the weather. The dining room and hospital are both located in this building.

Under present contract of allowing the convicts to be worked outside the walls of the penitentiary, they have been distributed at various points in the State, principally in the counties of Pope, Conway, Johnson, Jefferson and Phillips. While I am confident that the parties now in cha.ge, who have succeeded to the rights by contract of the original lesses, have done all in their power to have the rules prescribed by the Board of Commissioners complied with, and to have the prisoners humanely treated; yet it has been impossible for the Board of Commissioners or the lessees themselves to give that supervision and attention to the treatment of the convicts, that their unfortunate condition requires. I firmly believe that the system of working convicts outside the walls of the Penitentiary is uncivilized, inhuman and wrong, and that the evils inflicted upon the State by this system, are in no way compensated by the additional remuneration it produces. The objections to it are many. Where so many different parties are in charge some

will prove brutal. The impossibility of the Board overlooking them at points remote; the danger to the health of the convict who is brought from the Northern portion of the State and placed in the cotton field in the heat of summer; the increased facilities for escape; the strong temptation to the lessees to hire those who have means or wealthy relatives to their immediate friends, thereby enabling them to escape the penalty of crime, making the law a farce and bringing reproach upon the name of justice; the strong opposition of the people of every locality to having them placed in their midst, which is liable at any time to produce riot and bloodshed; the tendency to degrade honest labor and the demoralizing influence upon the young men coming in contact with, and compelled to labor in close promixity to convicts, guarded with guns and dogs and sometimes secured with chains; all of these facts appeal strongly to our sense of right and justice, and should, in my judgement, force us to abandon a system which has nothing to recommend it, but its supposed economy, and adopt one more in accord with the dictates of humanity.

If it be possible for the General Assembly, with the consent of the lessees, to make a new contract, by which the money arising from the lease can be applied to the building of machinery, such as will enable the contractors to employ the convicts inside of the walls, I believe the best interest of the State demands that it be done.

SAINT LOUIS, IRON MOUNTAIN & SOUTHERN, AND MEMPHIS & LITTLE ROCK RAIL ROADS.

The general revenue act of 1883 constituted the Governor, Secretary of State and Auditor of State, a Board of Railroad Commissioners. The act made it the duty of the Commissioners to assess for taxation the property of all the railroad companies in the State without regard to any claim that a company was exempt from taxation.

The Board organized in June 1883 and was proceeding to comply with the provisions of the law, when separate suits were

brought in the Pulaski Chancery Court by the St. Louis, Iron Mountain & Southern and the Memphis & Little Rock Railroad Companies, to enjoin and prohibit the board assessing for taxation the property of each of the above named roads, each claiming that their property was exempt by their respective charters, and that the act of the General Assembly was in violation of that clause of the Constitution of the United States which prohibits the States from passing any law impairing the obligation of a contract. Knowing that the question at issue was one of vast importance to the State; that the amount in controversy was far greater perhaps than that heretofore involved in any suit brought in the State; that if the railroad companies were successful, it was a practical exemption from taxation for all time to come, entailing a loss to the State and certain counties of not less than fifty thousand dollars per annum; I was unwilling that the Attorney General, whose time was constantly employed in other causes, should have no assistance. I therefore requested Judge U. M. Rose to aid him in defence of the suits. He readily undertook to do so, and has devoted much time and great labor in that behalf. The State was successful both in the Chancery and Supreme Courts of the State. The two causes are now pending in the Supreme Court of the United States, upon an appeal taken by the railroad companies.

The railroads were compelled, by the decision of the Supreme Court, to pay the taxes of 1883, and paid into the State treasury for that year the sum of $24,161.15.

Previous to the year 1883 neither of these companies had paid any taxes whatever, except on their lands. Judge Rose not only defended the suits in the Chancery and Supreme Courts of the State, but has followed them to the Supreme Court of the United States, where they have been argued by him with the strongest hopes of success. No specific amount was agreed upon between Judge Rose and myself as a compensation for his services, but as he has undoubtedly rendered the State great service, I trust the General Assembly will be liberal in allowing him a just and fair compensation.

STATE BOARD OF HEALTH.

In 1881 the Legislature passed an act creating a State Board of Health. The Board thus created was in successful operation and doing good work for the people of the State. The last Legislature not only failed to make an appropriation for continuing the work of the Board for 1883. and 1884, but covered back into the treasury all unexpended balances left over.

Nevertheless, under the law I appointed Health Commissioners for the State, who have done such work, as was possible under the circumstances, for the protection of the public health. This work of the Board has been chiefly that of co-operation with the Boards of other States, with a view of protecting the commonwealth against the invasion of epidemics and infectious diseases. Dr. J. A. Dibrell, at his own expense, has attended conventions of National and State Boards of Health. It is nothing but right that the Secretary and other members of the Board be remunerated for their past services, and that provision be made to sustain the Board in the future.

Many of the ablest physicians of the land apprehend the appearance of cholera in this country during the next summer, and, with our network of railroads, contagious and infectious diseases, contracted thousands of miles away may be deposited within our State in a few days. It is highly imimportant that the State Board of Health receive that support commensurate with the duties required of it and I trust the General Assembly will make the necessary provisions.

EXPOSITION, LOUISVILLE, KENTUCKY.

Realizing the importance of having the resources of the State properly displayed at the Exposition to be held at Louisville, Ky., commencing in August, 1883, the Legistature appropriated the sum of $750.00 to aid Charles Wallace, Esq., then engaged in the collection and preparation of specimens of the agricultural and other products of the State, to make as complete an exhibition of such products as possible at said Ex-

position. Fully concurring with the Legislature as to the importance of the subject, and to awaken the interest of the whole people, I appointed Dr. C. M. Taylor, Dr. J. M. Keller, S. R. Cockrill, Sr., S. H. Nowlin, J. M. Hewitt, John C. Calhoun and G. W. Wooten, as Commissioners to represent the State at the Exposition. These Commissioners, without compensation, together with Mr. Wallace and Dr. J. Guy Lewis, devoted much time, labor and money to the accomplishment of the object in view, and by their energetic labors collected such a magnificent display of the resources of the State in the way of agricultural products, fruits, vegetables, timber, mineral, &c., as was a source of pride to our citizens, and a surprise to the outside world.

I feel warranted in saying that the exhibit made at Louisville resulted in great good to the State. The amount of specimens collected and furnished by the Commissioners far exceeded that contemplated by the Legislature. The Commissioners succeeded in raising some $3,000 by private subscription, and cheerfully devoted their time and labor free of charge, nevertheless the expenses necessary to fitting up the space allowed the State, the handling of products, the compensation of secretary and other incidental expenses, exceeded the amount subscribed by $930.00. This amount was advanced by the following named gentlemen, who had previously contributed liberally to the enterprise, viz: Logan H. Roots, $250; E. W. Parker, $100; John G. Fletcher, $100; Fones Bros., $100; J. B. Speers, $100; John D. Adams, $200; and Dr. C. M. Taylor, $50.

I respectfully recommend that an appropriation be made to reimburse them for the amount so advanced.

I take great pleasure in calling the attention of the Legislature to the liberal and public spirited course manifested by all the railroad companies of the State. They transported our specimens free of charge, and especially did the St. L., I. M. & So., the L. R. & Ft. Smith, and the M. & L. R. Railroad companies contribute largely, in many ways, to make the Arkansas exhibit a success. In the same generous spirit they are aiding the State to make an exhibit at New Orleans. To the intelli-

gent labors of W. S. Thomas, of the Iron Mountain road, we are largely indebted for the excellent exhibit.

WORLD'S COTTON CENTENNIAL EXHIBITION.

The Legislature by act of March 30th 1883, approved the project of a Cotton Centennial to be held at New Orleans in 1884, under the auspices of the National Cotton Planters Association, and appropriated the sum of $3,000.00 to have the State represented. The act directed that the Governor appoint seven Commissioners, two from the State at large and one from each Congressional district. I accordingly appointed J. T. W. Tillar and Thomas W. Steele from the State at large; A. G. Jarman from the First; J. W. Corcoran, from the Second; C. M. Hervey, from the Third; W. L. Cravens, from the Fourth; and F. R. Madison, from the Fifth district. In addition to these, upon the recommendation of the Cheif Executive of the State, the President of the United States, appointed Dr. C. M. Taylor as a delegate to represent the State of Arkansas at the Exposition.

Since their appointment the delegates have labored with great zeal and intelligence to collect from all parts of the State such specimens of the products and resources of the State as will show her capabilities. In collecting and preparing these specimens, the delegates have been careful to secure as perfect a class as possible, and to place the fruits, vegetables, &c., in durable cases, so that they can be preserved for years. The action of the delegates in this matter cannot be too highly commended. It looks to something more than a display at New Orleans during the brief period of the Exposition. They feel that the time, labor and money expended should not be lost, but that these specimens should be returned to the State, placed in a suitable room, be added to from time to time, and thus contribute to a permanent exposition of the resources of the State.

The framers of the Constitution of 1874 evidently had in contemplation the creation of a Bureau of Mines, Manufacturies and Agriculture, but the financial condition of the State has been such heretofore as to prevent any definite action in this direction.

Nor would I now recommend any very large appropriation for this purpose. I do, however, most earnestly recommend that provision be made for some one whose duty it shall be to take charge of the New Orleans collection upon its return here, keep the specimens together and from time to time add to them; also to publish and distribute a brief history of the resources and capabilities of the State, including a description of the climate and soil, and the reasons making Arkansas a desirable location for those seeking homes. It could also be made the duty of the person in charge of the collection to answer all communications received by himself or the State officials, touching the character of our climate, soil, or products, and to use all legitimate means at his command to induce immigration to the State. This would at least be a beginning that could be enlarged as the State advances.

HOWARD COUNTY.

In August 1883 there occurred a disturbance in Howard county, which, at one time, seriously threatened the peace of the community. So much has been said and written with reference to this matter, that I deem it best to give a brief statement of the facts:

Some fifty or sixty colored men armed with guns and pistols, most of whom resided in Hempstead county, went to a field, just within the border of Howard county, where Thomas Wyatt was at work. Wyatt attempted to flee, but was killed, having been shot many times. Joe Booker, one of the colored men, was also killed, it is said, by Wyatt, who was armed with a pistol. These colored men subsequently claimed that their object was to arrest and not kill Wyatt, he having previously committed an assault and battery upon one of their number, and that it had been reported to them that he had assaulted a colored girl.

The large number of men engaged in the transaction, and the exagerated reports of their objects and purposes greatly ex-

cited the people, and large numbers of the citizens were soon under arms.

In attempting to arrest one of the men engaged in the killing, by a deputy sheriff and his posse, three other colored men were killed. Being applied to by citizens of Hempstead county for arms, I requested Maj. Gen. Newton, of the State Militia, to go to the scene of the occurence and use his authority to preserve the peace. He soon reported to me from Washington, in Hempstead county, that quiet was restored previous to his arrival; that some fifty of the colored men had been arrested by the sheriff, and that the citizens had dispersed.

Forty-three of the colored men were afterwards indicted by the Grand Jury, for murder. The District Attorney entered a *nolle prosequi* as to ten of them, thirty of them plead guilty to murder in the second degree, and three were condemned to hang. Two of those condemened to hang obtained new trials in the Supreme Court, and the cases are now pending in Clark county on a change of venue. I granted pardons to five of those sentenced to the penitentiary.

Soon after the disturbance it was represented to me that the colored men were in great fear of mob violence, and that on account of the county warrants of Howard county being greatly depreciated in value, it was impossible for the sheriff to feed, guard and properly protect the prisoners arrested. I visited the county in person and found the people determined to strictly enforce the law, also determined to prevent mob violence. They were greatly distressed and disheartened at the prospects of the heavy costs likely to be entailed upon the county. I was urged by the citizens of the county to use the contingent fund at my command to pay these costs and expenses, but believing that I had no such authority, I declined to do so, but promised the people to submit the matter to you. These costs have fallen very heavily upon them, and it is utterly impossible to free the county from debt by the maximum rate of taxation allowed to be levied by the Constitution. This fact has tended somewhat to keep alive the irritation and bad feeling caused by

the unfortunate difficulty. The citizens of the county, white and black, have urged me to submit the matter to the Legislature; they believing, that in view of the unusual character of the case; the fact that the parties were citizens of another county; that the disturbance was promptly quelled by the people of Howard county without expense to the State, that the General Assembly should relieve them from a part or all the costs incurred. In their opinion such action on your part will greatly tend to restore entire harmony and good feeling.

CONSOLIDATION OF ELECTIONS.

I repeat the recommendations made by me two years ago, that the time of holding the general election for the State be changed from the first Monday in September, to the Tuesday after the first Monday in November. Under the present mode the citizens are subjected to the inconvenience of being compelled to abandon their ordinary labors and business, and vote twice within a period of two months. The expense to the counties is simply doubled, and the impossibility of inducing all of the electors to vote a second time in November, has caused the State and our people to be greatly misunderstood and misrepresented abroad.

A statement showing the number of pardons and commutations granted during my term of office and the reasons therefor, is herewith submitted.

In severing my connection with the State Government it gives me pleasure to state that I have uniformly received the greatest kindness and courtesy from the heads of the State Departments and the various officers of the State. My relations with each and all of them have been constantly pleasant, and I am indebted to them for much valuable advice and assistance, to them I desire to express my obligations, and to the people of the State, who have so frequently trusted me, no language can express my gratitude. In the discharge of the difficult duties imposed upon me they have most generously given me

their confidence, and have at all times shown great patience and every disposition to aid me.

That I have committed errors and made mistakes is doubtless true; that I have earnestly desired and constantly sought to secure and promote their welfare and prosperity, and give them a just, fair and economical administration, is also true. Others have served the State better, but no one can be bound to her by stronger ties, or more earnestly desire the happiness of her people. I am with great respect

Your obedient servant,

JAMES H. BERRY.

APPENDIX.

PARDONS.

DAN BARNES.

Convicted of robbery, at May term of Benton Circuit Court, 1880. Pardoned February 1st, 1883, from personal knowledge of the facts, and in order to restore the rights of citizenship, he having served the term of punishment, wanting a few days.

W. W. WILLIAMS.

Convicted of manslaughter, at September Term of Prairie Circuit Court, 1882. Pardoned February 9th, 1883, on petition of citizens, and statement of the Judge that he thought the party ought to have been acquitted.

JACOB AND SCHUYLER FRONABORGER.

Convicted of petit larceny, before a Justice of the Peace of Pope county, January 27th, 1883. Pardoned February 14th, 1883, for the purpose of restoring the rights of citizenship, it appearing that the parties were quite young and had no criminal intent.

HENRY C. WILSON.

Convicted of selling mortgaged property, at January Term of Independence Circuit Court, 1883. Pardoned February 22nd,

1883, on petition of citizens and statement showing that defendant had no intention of violating the law.

P. R. ANDERSON.

Convicted of petit larceny, at October Term of Monroe Circuit Court' 1882. Pardoned March 9th, 1883, [only as relates to his disabilities to testify in court] on statement of Prosecuting Attorney that there was serious doubt as to party's guilt.

JOSIE LYBORGER.

Convicted of violation of liquor law, before Justice of the Peace of Lawrence county, March 3rd, 1883. Pardoned March 9th, 1883, it appearing that defendant is a woman with an infant child without means of support.

SHERMAN LONG.

Convicted of grand larceny, at May Term of Fulton Circuit Court, 1881. Pardoned March 21st, 1883, on account of the youth of defendant, and upon recommendation of the injured party.

J. T. OALS.

Convicted of selling mortgaged property, at March Term of Conway Circuit Court, 1883. Pardoned April 2nd, 1883, upon petition of the jurors and other citizens, and letter from the Judge showing that defendant had no intention to defraud.

CLIFTON TURNER.

Convicted of assault with intent to kill, at April Term of Arkansas Circuit Court, 1880. Pardon April 5th, 1883, petitioner having only four days to serve, and in order to restore to him the right to testify in court.

J. W. MADDEN.

Convicted of grand larceny, at April Term of Pulaski Circuit Court, 1882. Pardoned April 9th, 1883, on account of especial good conduct as a prisoner, and in order to restore him to his rights of citizenship.

JOHN ALLEN, ALIAS ALLEN DUKE.

Convicted of bigamy, at August Term of Drew Circuit Court, 1882. Pardoned June 16th, 1883, it appearing from statement of Prosecuting Attorney that defendant believed himself divorced.

ISAAC M. DONOHOA.

Convicted of larceny, at April Term of Pulaski Circuit Court, 1883. Pardoned June 25th, 1883, upon recommendation of jury and statement of the Circuit Judge.

AUSTIN SPRATTS.

Convicted of selling liquor without license, at January Term of Hempstead Circuit Court, 1883. Pardoned June 30th 1883, from statements of Judge and Prosecuting Attorney that defendant had no intention of violating the law, and from a decision of the Supreme Court did not violate the law.

GEORGE FRUSCHEL.

Convicted of giving away whiskey at election at May Term of Sebastian Circuit Court, 1883. Pardoned July 25th 1883, on application of Judge and Prosecuting Attorney, it appearing that this was a mere technical violation of the law.

JAMES MORRISON.

Convicted of horse stealing, at January Term of Washington

Circuit Court, 1879. Pardoned August 7th 1883, from personal knowledge of the case and believing four years to be a sufficient punishment.

FRED SUMMERFIELD.

Convicted of larceny, at July Term of Clark Circuit Court, 1883. Pardoned August 18th, 1883, in consideration of extreme age, previous good character of defendant and doubtful evidence.

REUBEN BRASSFIELD.

Convicted petit larceny, before a Justice of the Peace of Scott county, August 7th 1883. Pardoned September 3rd 1883, it appearing that the health of defendant has been so bad since his confinement in prison as to seriously injure his mind.

DAVIS CHANCE.

Convicted of perjury, at July Term of Independence Circuit Court, 1883. Pardoned September 3rd, 1883, on evidence of the Judge and Prosecuting Attorney that if evidence, since discovered, had been introcuced at the trial the party would not have been convicted, and on the statement of the jurors that they do not now believe the party guilty.

ROBERT HAROLD.

Convicted of grand larceny, at September Term of Garland Circuit Court, 1878. Pardoned September 17th, 1883, defendant having a record of good conduct while in prison, and it being important that he be allowed to testify in court.

C. B. PARK.

Convicted of assault with deadly weapon, resisting an officer

and abusive language, before a Justice of the Peace of Pulaski county, August 8th, 1883. Pardoned September 22nd, 1883, the punishment being unduly severe.

WILLIAM DONELY.

Convicted of grand larceny, at January Term of Sebastion Circuit Court, 1883. Pardoned October 9th, 1883, it appearing from report of the keeper that the boy can not live if kept in prison, and that he has served eight months out of the twelve for which he was sentenced.

JAMES JONES.

Convicted of resisting an officer, at October Term of Conway Circuit Court, 1883. Pardoned October 23rd, 1883, on statements made by Judge, Prosecuting Attorney and jury as shown in the papers of the case.

FRANK SMITH.

Convicted of perjury, at November Term of Pope county Circuit Court, 1883. Pardoned November 16th, 1883, on recommendations of Judge, Prosecuting Attorney and jury and statements showing that defendant is an ignorant boy, persuaded and threatened by others, and thus induced to make a false statement.

JASPER GORDON.

Convicted of carrying a pistol, at October Term of Monroe Circuit Court, 1883. Pardoned November 20th, 1883, on statement in petition and endorsement of the Prosecuting Attorney that the weapon was carried simply to kill hogs, and no violation of the law intended.

FRED SCRUGGS.

Convicted of selling liquor without license, at September Term of Pulaski Circuit Court, 1883. Pardoned November 21st, 1883, on statement of Judge and Prosecuting Attorney that the defendant believed he had a right to change the location of his saloon, having been so advised by an attorney.

IKE HARRIS.

Convicted of petit larceny, before a Justice of the Peace of Desha county. Pardoned November 22nd, 1883, upon application of the Prosecuting Attorney in order that he may testify in court.

C. L. BROWN.

Convicted of embezzlement, horse stealing and larceny, at April Term of Lee Circuit Court, 1877. Pardoned November 30th, 1883, he having served nearly seven years, and it appearing from evidence since discovered that he is not guilty of one of the charges, and there is great doubts as to the other two, and he having served the time in two cases.

JAMES EAKER.

Convicted of nonfeasance in office, at September Term of Greene Circuit Court, 1883. Pardoned November 30th 1883, it appearing that the crime was a mere technical violation of law, and no wrong intended.

J. C. WISEMAN.

Convicted of assault with intent to kill, at October Term of Benton Circuit Court, 1882. Pardoned December 3rd, 1883, as it is believed that he would die if kept in prison.

JOHN GRUBBS, JR.

Convicted of grand larceny, at October Term of Desha county Circuit Court, 1883. Pardoned December 10th 1883, on official statement of Judge and Prosecuting Attorney that evidence has since been discovered which shows that defendant is innocent of the crime.

J. M. ENGLAND.

Convicted of misfeasance in office, at September Term of Greene Circuit Court, 1883. Pardoned December 14th, 1883, it appearing that this was a mere technical violation of the law, and no wrong intended.

R. W. SARX.

Convicted of assault with intent to kill, at October Term of Pulaski Circuit Court, 1883. Pardoned December 18th, 1883, on affidavit of Judge, Prosecuting Attorney and most of the jury that great doubt existed as to the defendant's guilt at the trial, and evidence has since been discovered tending to show his innocence; and such evidence as would have caused the Judge to grant a new trial.

RICHARD HEWSON.

Convicted of selling liquor without license, before a Justice of the Peace of Pulaski county May 10th, 1883. Pardoned January 4th, 1884, on statement of Judge and Prosecuting Attorney that the case was disposed of by the Circuit Court, and that the conviction before the Justic was not proper.

W. J. HOWARD.

Convicted of grand larceny, at October Term of Benton Circuit Court, 1881. Pardoned January 25th, 1884, from personal

knowledge of the case, and serious doubts as to defendant's guilt.

MAT RAY.

Convicted of grand larceny, at January Term of Clark Circuit Court, 1883. Pardoned February 4th, 1884, the party having served term except three days, is pardoned to restore to him his rights of citizenship.

JAMES W. THOMPSON.

Convicted of malfeasance in office, at September Term of Greene Circuit Court, 1883. Pardoned February 14th, 1884, it appearing that defendant attempted to comply with the law, but being mistaken, failed to make proper return.

D. T. NELSON.

Convicted of selling liquor without license, at May Term of Lee Circuit Court, 1882. Pardoned February 18th, 1884, on statement of Judge and Prosecuting Attorney that the defendant sold whiskey without license for another, being misled as to license.

MIT STUBBS.

Convicted of selling liquor without license, at September Term of Lee Circuit Court, 1883. Pardoned February 18th, 1884, on statement of Judge and Prosecuning Attorney that defendant had been in prison nearly two years, and that he had been misled into violating the law.

RICHARD BEAUFORT.

Convicted of carrying a pistol, before a Justice of the Peace of Sebastian county, January 15th, 1884. Pardoned March 10th,

1884, on statements of Justice, City Attorney, City Marshall and Clerk of the U. S. Court, as they appear among the papers of the case.

GEO. S. CRADDOCK.

Convicted of grand larceny, at February Term of Yell Circuit Court, 1880. Pardoned March 13th 1884, on statement of Judge, Prosecuting Attorney and jury that the boy was induced by others to commit the crime, and that he has served four years of his sentence, an that he has conducted himself well while in prison and before the commission of the crime.

ALEX. PREWIT AND MARY TINSLEY.

Convicted of incest, at March Term of Garland Circuit Court, 1884. Pardoned March 15th, 1884, it appearing that the parties had obtained a license to marry and were entirely ignorant of the fact that they were committing a crime.

BEN F. BUNCH.

Convicted of murder at June Term of Phillips Circuit Court, 1879. Pardoned March 24th, 1884, he having served his term and his conduct record in prison being exceptionally good, he is pardoned to restore to him his rights of citizenship.

THOS. PETERSON.

Convicted of malfeasance in office, at March Term of Dallas Circuit Court, 1884. Pardoned march 27th, 1884, on petition of Judge, Prosecuting Attorney, grand and petit jurors, attorneys of the court and other citizens, it appearing that there was no corruption on the part of defendant, but simply a mistake as to the law.

ALLEN FIFER.

Convicted of arson, at March Term of Madison Circuit Court, 1883. Pardoned April 10th, 1884, on account of extreme youth of defendant, and doubts as to his guilt, upon application of Judge, Prosecuting Attorney, jury and other citizens.

JOHN MACKEY.

Convicted of grand larceny, at May Term of Phillips Circuit Court, 1883. Pardoned April 16th, 1884, having almost served his term, and having for seventy years previous to his conviction borne a good character and having a good conduct record in prison.

CHAS. HENDERSON.

Convicted of selling liquor without license, at March Term of Perry Circuit Court, 1884. Pardoned May 1st, 1884, on statement of Judge that it was only a technical violation of the law and no harm intended.

SAM. G. SWAN.

Convicted of murder at May Term of Jackson Circuit Court, 1883. Pardoned May 2nd, 1884, it appearing that defendant should have been convicted of involuntary manslaughter instead of voluntary and he having served the maximum term prescribed for involuntary manslaughter.

GEO. C. TRIBBLE.

Convicted of forgery, at the January Term of Crawford Circuit Court, 1882. Pardoned May 27th, 1884, he having served one term and being in exceedingly bad health, pardoned on recommendation of the Judge and injured parties.

A. A. ANDERSON.

Convicted of auctioneering without license, at May Term of Miller Circuit Court, 1884. Pardoned June 2nd, 1884, it appearing from the statement of the Judge that this was a technical violation and no harm intended.

OSCAR P. WOLFF.

Convicted of selling liquor without license, at April Term of St. Francis Circult Court, 1884. Pardoned June 21st, 1884, on statement of the Judge that defendant sold the whiskey upon the prescription of a physician for medical purposes, and that he believed he had a right so to do, and that no harm was intended.

J. W. BELL.

Convicted of murder, at October Term of Arkansas Circuit Court, 1876. Pardoned July 3rd, 1884, on statement of Judge that there was strong provocation for the killing, and that defendant's conduct has, in prison, been good for eight yrars.

JOHN EDWARDS.

Convicted of petit larceny, before Justice of the Peace of Sebastian county, July 2nd, 1884. Pardoned July 7th, 1884, on recommendation of Prosecuting Attorney in order that he may testify in court.

MARY LEE.

Convicted of perjury, at January Term of Sebastian Circuit Court, 1874. Pardoned July 14th, 1884, punishment being excessive, and time served sufficient.

JOSEPHINE BRIDGES.

Convicted of concealing birth of bastard child, at Spring Term

of Conway Circuit Court, 1882. Pardon July 14th, 1884, having served over two years of sentence, upon recommendation of Judge and prosecuting Attorney.

D. N. BRAKEFIELD.

Convicted of selling mortgaged property, at April Term of Monroe Circuit Court, 1883. Pardoned August 8th, 1884, for the purpose of restoring him to rights of citizenship, he having a good conduct record, and there being doubt as to the criminal intent.

A. J. HOUGH.

Convicted of grand larceny, at July term of Clark Circuit Court, 1884. Pardoned August 20th, 1884, from the proof submitted the party ought to have been acquitted.

JOHN F. STOCKTON.

Convicted of forgery, at December Term of Phillips Circuit Court, 1882. Pardoned September 1st, 1884, on certificate of Penitentiary Physician in regard to the health of prisoner.

JOS. PARKS.

Convicted of obstructing train, at December Term of Johnson Circuit Court, 1883. Pardoned September 1st, 1884, on account of the youth of the defendant, and as his time has about expired.

JOHN B. McGILL.

Convicted of arson, in Johnson Circuit Court, 1883. Pardoned September 5th, 1884, on statement of Prosecuting Attorney that there are grave doubts as to his guilt.

THOMAS WALKER, STEWART HOPSON, SUSSEX JEFFERSON, CALVIN McFODDEN, ALLEN NEAL.

Convicted each of murder, in Howard Circuit Court. Pardoned September 11th, 1884. While it appears that all persons concered in the killing of Thomas Wyatt were guilty of murder, yet it also appears that Defendants were in no way leaders, and that there is doubt as to the guilt of some of them, and believiug that the law has been fully vindicated.

W. M. HIGHTOWER AND C. J. SHARMAN.

Convicted of selling native wine without license, at September Term of Columbia Circuit Court. Pardoned September 12th, 1884, on statement of Judge and Prosecuting Attorney and petition of citizens the act was a mere technical violation of the law and no harm intended.

JOHNSON QUINN.

Convicted of larceny, at August Term of Sebastian Circuit Court, 1882. Pardoned September 18th, 1884, on account of his youth and upon the recommendation of the Judge and Prosecuting Attorney.

JAMES GIBSON.

Convicted of larceny, in 1874, in Pulaski Circuit Court. Pardoned September 25th, 1884, on account of his good conduct, he having served seven years, and because he has lost an arm while in confinement and upon recommendation of Judge and Prosecuting Attorney.

JOHN H. McCLURE.

Convicted of selling liquor without license, at November Term of Sebastian Circuit Court, 1883. Fine remitted October

8th, 1884, the Judge and Prosecuting Attorney having officially stated that they believe the party innocent of the charge.

JAMES WINGFIELD AND GUS LEE.

Convicted of false imprisonment, at September Term of Logan Circuit Court, 1884. Pardoned November 3rd, 1884, upon recommendation of Judge and Prosecuting Attorney and for reasons in petition.

JEFF. MONTGOMERY.

Convicted of grand larceny, at November Term of Sebastian Circuit Court, 1879. Pardoned November 7th, 1884, for extra good conduct, to restore his rights of citizenship.

FRANK RICKS.

Convicted of grand larceny, at Spring Term of Crawford Circuit Court, 1882. Pardoned November 24th, 1884, it appearing in the petition that there is strong probabilities that the party was wrongfully convicted.

JAMES D. KITRELL.

Convicted of Assault with intent to kill, at Fall Term of Crawford Circuit Court, 1880. Pardoned December 1st, 1884, it appearing from the statements of the Judge of the court and other citizens, that the punishment was excessive, and the party having served four years, his conduct being very good and he being in bad health.

W. M. PRICE.

Convicted of forfeiture on bond, at March Term of Pulaski Circuit Court, 1884. Judgment remitted December 13th, 1884, on statement of the Circuit Judge that there was a mis-understanding as to the time of appearance, and that the party afterwards appeared, and the case was dismissed.

COMMUTATIONS OF DEATH SENTENCE.

J. K. P. McGHEE.

Convicted of murder in the first degree, in the Yell Circuit Court, February 17th, 1883, and sentenced to be hanged. Sentence commuted to imprisonment for life.